

A Professional Association - Attorneys at Law

MINNEAPOLIS 220 South Sixth Street | Suite 2200 Minneapolis, MN 55402-4504 612 339 6321 | Fax 612 338 0535

Karen R Kees 651/312-6020 Fax 651 222-8905 Γ-mail kkees@felhaber.com Reply to St Paul Office

September 19, 2007

ENTERED Office of Proceedings

Vernon A Williams, Secretary Surface Transportation Board 395 "E" Street SW Washington, DC 20423-0001

SEP 3 0 2007

Part of Public Record

Via Federal Express

Re: Environmental Report, Historic Report and Required Certifications for Docket No. AB 1003X, Mohall Central Railroad, Inc.

Notice of Exemption for Abandonment in Nelson, Ramsey and Cavalier Counties. ND

Dear Secretary Williams:

Mohall Central Railroad, Inc. intends on filing a Notice of Exemption for the above-referenced proposed abandonment any time on or after October 9, 2007. Enclosed for the above-referenced Abandonment Exemption are the following, which are required by 49 C F.R. Part 1105.

- 1. An original and ten copies of a certificate demonstrating compliance with the requirements of 49 C.F. R. Part 1105:
- 2. An original and ten copies of the Environmental/Historic Report; and
- 3. Copies of the transmittal letters that accompanied the reports.

Please stamp the enclosed duplicate copy of this letter and return it to my attention to indicate that you received the items listed

Feel free to call me if you have any questions

Respectfully submitted,

Karen R. Kees

Paralegal

klg enclosures

cc Byron D. Olsen Michael Barron

STPL-Word 110893 1

Docket No. AB 1003X

MOHALL CENTRAL RAILROAD, INC.

NOTICE OF EXEMPTION FOR ABANDONMENT IN NELSON. RAMSEY AND CAVALIER COUNTIES, NORTH DAKOTA

TO Vernon A. Williams, Secretary
Surface Transportation Board (STB)
395 "E" Street SW
Washington, DC 20423-001

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. PART 1105

I hereby certify that on September 19, 2007, copies of the Environmental and Historic Report for the above-captioned proceeding were served on the agencies listed at 49 C.F.R. § 1105.7(b), all agencies consulted in preparing the report, and on the North Dakota Historical Society. A service list is attached and incorporated into this Certificate as Attachment A. The reports have been sent within the time period specified, as Mohall Central Railroad, Inc. intends to file its Notice of Exemption in the above-captioned matter no earlier than October 9, 2007. All appropriate agencies as listed in 49 C.F.R. § 1105.7(e) have been consulted well in advance of preparing the Environmental Report

I also certify the following. (i) a newspaper notice was published on February 7, 2007, and February 14, 2007, in the Lakota American, a newspaper of general circulation in Nelson County, North Dakota; (ii) a newspaper notice was published on January 31, 2007, February 7, 2007, and February 14, 2007, in the Devils Lake Journal, a newspaper of general circulation in Ramsey County, North Dakota; and (iii) a newspaper notice was published on February 5, 2007, February 12, 2007 and February 19, 2007, in the Cavalier County Republican, a newspaper of general circulation in Cavalier County, North Dakota. The notices alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. Copies of the notices are attached to this certificate as Attachment B.

Dated this 19th day of September, 2007

Mark S. Radke

Attorney for Mohall Central Railroad, Inc.

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SERVICE OF THE ENVIRONMENTAL & HISTORIC REPORT

Parties to be served with a copy of the Environmental and Historic Report pursuant to Section 1105.7(b) 20 days prior to the filing with the STB of the (i) Petition for Exemption; (ii) Notice of Exemption OR (iii) Application for Abandonment

Agency/Party	Address
The State Clearing House for North Dakota (or other state equivalent agency if the State has no clearing house)	Jim Boyd Division of Community Services North Dakota Department of Commerce P O. Box 2057 Bismarck, ND 58502-2057
North Dakota Environmental Protection Agency	North Dakota Department of Health Environmental Health Section 918 East Divide Avenue Bismarck, ND 58501-1947 Chief Dave Glatt 701/328-5150
Nelson County Commissioners (ND)	Odell Flaagan Ronald Dahlen Donald Fougner Noel Lofthus Ilarold Bergquist Nelson County Courthouse 210 B Avenue W Lakota, ND 58344-7410
Ramsey County Commissioners (ND)	Pamela Brekke Joe Belford Scott Diseth Barry Gage Bill Mertens Ramsey County Courthouse County Courthouse 524 4th Avenue Devils Lake, ND 58301-2490
Cavalier County Commissioners (ND)	Donald Quam Richard Flanders Ole Nowatzki Ray Rollness Neil Romfo Cavalier County Courthouse 901 3rd Street Langdon, ND 58249-2457

Agency/Party	Address
U.S. Environmental Protection Agency Regional Office	1595 Wynkoop Street Denver, CO 80202-1129
U.S Fish & Wildlife Service	Department of the Interior 1849 "C" Street NW Washington, D.C. 20240
U S. Army Corps of Engineers (LTG Carl Strock, Commander)	LTG Carl Strock, Commander Headquarters 441 "G" Street NW Washington, DC 20314
The National Park Service	Robert Stanton, Director Department of the Interior 1849 "C" Street NW Washington, D C. 20240
U.S. Soil Conservation Service NOW Natural Resources Conservation Service	P. O Box 2890 Washington, D.C 20013 Attn: Legislative and Public Affairs
National Geodetic Survey	SSMC-3 #9202 1315 East-West Highway Silver Spring, MD 20910-3282
State Historic Preservation Office	Marvin L Kaiser, President 612 E Boulevard Ave. Bismarck, ND 58505-0830
Gov. John Hoeven	600 East Boulevard Avenue Bismarck, ND 58505-0001
North Dakota Department of Transportation – Planning	608 East Boulevard Avenue Bismarck, ND 58505-0700

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AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKE	TA)		
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NOTICE
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Calculatory presention, ineraby gives notice that it
inspires to like with the Surface Transportation oerd, Washington, DC 20423, a petition for symption under 49 U.S.C. 10502 from the

Board, Washington, DC 20423, a petition for esignipitor under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10503 et eq. permitting the abandonment of a segment of line 44 44 miles in length extending from milepost 3.75, approximately 3.75 miles north of Lawton, ND, to milepost 48.19, approximately 4.0 miles south of Municht 1913; in Nelson, Ramsey, and Caraller Coulding, North Dalotta. The proceeding has being dobleted as No. A8 1003X.

The Board's Section of Environmental Analysis (SEA) will generally prepare and Environmental Assessment (EA), which will normally be available 60 days after the filing of the 15thing for abandonment exemption Confinients on environmental and energy matters about the filed no later than 30 days affecting EA becomes available to the public and will be addressed in a Board decision, hippested persons may obtain a copy of the EA or make inquires reparding environmental matters by writing to SEA, Surface Transportation Board, Weshington DC 20423 or by calling SEA at (202)565-1539.

Appropriate offers of financial assistance to continue rail service can be filed with the Board Requests for environmental conditions, public use conditions, or rail beniding/trails use also can be filed with the Board An original

Board Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filled with the Board. An original and 10 copies of any pleading that relises matters other their environmental issues (such as trails use, public use, and offers of finencial assistance) must be filled directly with the Board's Office of the Secretary, 1925 "K" Street NW, Washington DC, 20423 [See 49 CFR-1104.1(a) and 1104.3(dt)], and one copy must be served on petitioner's representative [See'49 CFR 1104.12(a)]. Questions regarding offers of finencial assistance, public use or trails use may be directed to the Board's Oftrails use may be directed to the floard's Of-fice of Congressional and Public Services Copies of any comments or requests for con-ditions should be served on the petitioner's representative, Felhaber, Leren, Ferlion & Vogt, P.A., Alterition Karen R Kees, 444 Ceder Street, Sulle 2100, Saint Paul, MN 55101

Mehali Central Railroad, Inc a North Dakota corporation, hereby gives notice that rt intends to file with the Surface Transpor-tation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 USC 10903; et seq, permitting the aban-O a C 10903, et seq., permitting the abandonment of a segment of line 44 44 miles in length extending from milepost 3.75, approximately 3.75 miles north of Lawton, ND, to milepost 48 19, aproximately 4.0 miles south of Munich, ND, in Nelson, Ramsey and Cavalier Counties, North Dakota The proceeding has been docketed as No AB 1003K.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filming of the petition for abandonment exemption Comments on environmental and entire the should be filed to be the state of the s ergy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decipublic and-will be addressed in a Board decision Interested persons may obtain a copy of the EA or make inquiries regarding anvironmental matters by writing to SEA, Surface Transportation Beard, Washington DC 20423 or by calling SEA at (202) 565-1538

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Board Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board An original and 10 copies of any pleading that raises matters other than emvironmental usues (auch as trails use, pubhe use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 "K" Street NW, Washington DC 20423 [See 49 CFR 1104 1(a) and 1104.3(a)), and one copy must be served on petitioner's representative [See 49 CFR 1104 12(a)] Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services Copies of any comments or requests for conditions should be served on the petitioner's representative, Failaber, Larson, Fenion & Vogt, PA, Attention Karen R. Keet, 444 Cedar Street, Suite 2100, Saint Paul, MN 55101. (c1 31, 27, 14)

STATE OF NORTH DAKOTA. County of Ramsey of said State and County being first duly sworn, on oath says: Advertising Clerk Advertising Manager is the of the DEVILS LAKE JOURNAL General Manager publishers of the Devils Lake Journal, a daily newspaper of general circulation printed and published in the City of Devils Lake, in said County and State and has been during the time heremafter mentioned, and that advertisement of a printed copy of which is hereto annexed, was printed and published in every cony of . of said newspaper, for a period of . and that the full amount of the fee for the publication of the annexed notice invres solely to the benefit of the publishers of said newspaper, that no agreement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever and the amount of said That said newspaper was, at the time of the aforesaid publication, qualified in accordance with the law of the State of North Dakota to do legal printing in said County and State. Subscribed and sworn to before me this ___ day of February A.D. 2017

Notary Public, Devils Lakep SVIDAL

Notary Public, State of North Dakota My Commission Expires May 27, 2009

Affidavit of Publication

STATE OF NORTH DAKOTA, **County of Cavalier**

<u>DOROTHY DOMRES.</u> being first duly sw that certain newspaper known as Cavali Notice newspaper is a paper of general circulation at Langdon, North Dakota, in said county legal printing; that the printed copy of

FELHABER, LARSON, FEI

to which this affidavit is annexed was pri every issue of said paper for and during weeks, the time when publication of such

First Publication	
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Subscribed and sworn to before me this

NOTICE

Mohall Central Railroad, Inc., a North Dakota corporation, hereby gives notice that it intends to file with the Surface **NOTIC** Transportation Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a segment of line 44.44 miles in length extending from milepost 3 75, approximately 3.75 miles north of Lawton, ND, to milepost 48 19, approximately 4.0 miles south of Munich, ND, in Nelson, Ramsey and Cavalier Counties, North Dakota. The proceeding has been docketed as No. AB 1003X.

The Board's Section Environmental Analysis (SEA) will generally prepare Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writ-SEA, Surface Transportation Board,

Notary Public for Cavalier County, N.D.

Washington DC 20423 or by calling SEA at (202)565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail bankingltrails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 "K" Street NW, Washington DC 20423 [See 49 CFR 1 104 1 (a) and 1 1 O4.3(a)], and one copy must be served on petitioner's representative [See 49 CFR 1 104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services. Copies of any comments or requests for conditions should be served on the petitioner's representative, Felhaber, Larson, Fenlon & Vogt, P.A., Attention Karen R. Kees, 444 Cedar Street, Suite 2 100, Saint Paul, MN 55 10 1.

Felhaber, Larson, Fenion & Vogt,

444 Cedar Street, Suite 2100 St. Paul, MN 55101-2136 F5,12,19

My commussion expires <u>APRIL 15, 2008</u>

Publication Fee S_97.29

DEPARTMENT OF TRANSPORTATION BEFORE THE SURFACE TRANSPORTATION BOARD WASHINGTON, D.C.

STB DOCKET NO. AB 1003X

MOHALL CENTRAL RAILROAD, INC. - ABANDONMENT EXEMPTION -FOR PORTIONS OF A LINE OF RAILROAD IN NELSON, RAMSEY AND CAVALIER COUNTIES, NORTH DAKOTA

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832
312/252-1511
Counsel for Mohall Central Railroad, Inc

Dated September 19, 2007

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ENVIRONMENTAL AND HISTORIC REPORT

Environmental Issues

The following information is provided in accordance with 49 C.F.R. Section 1105.7.

1. Proposed Action and Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The proposed action is the abandonment of a portion of a line of railroad formerly owned and operated by BNSF Railway (BNSF) and now owned by Mohall Central Railroad, Inc., a North Dakota corporation (MHC). The segment of line proposed to be abandoned is 44.44 miles in length and extends from milepost 3.75, approximately 3.75 miles north of Lawton, ND, to milepost 48.19, approximately 4 miles south of Munich, ND. The portion of the line proposed for abandonment has not been operated since June 15, 2005. Prior to that time, the primary reason for operating this line was to reach active rail users located at Munich, ND and towns north of Munich on this former BNSF line, which extends to Sarles, ND near the Canadian border

Since acquisition of the entire Sarles line by MHC from BNSF on October 18, 2005, extending from milepost 3.75 to the end of the track at Sarles milepost 73.0, operations north of milepost 48.19 (the north end of the proposed abandonment) have been conducted by NPR under contract with MHC. Following acquisition of the Sarles line by MHC, rail service to shippers at Munich and points north was resumed on October 25, 2005. Since resumption of service to the end of 2006, approximately 395 revenue carloads have been moved. NPR now moves railcars originating at points between Munich and Sarles, castward via an existing NPR junction with the Sarles line near Munich, ND (Alsen Junction) for interchange with BNSF at another BNSF/NPR interchange at Ardoch, ND.

The line proposed for abandonment (the "Line") is no longer needed for rail transportation purposes. It is believed there are no longer any active rail users on the Line Active grain elevators at Hampden, ND and Edmore, ND are now affiliated with Cenex Harvest States (CHS), a grain marketing cooperative, which has a number of other affiliated elevators in

the vicinity. Grain for outbound shipment is trucked to a larger capacity CHS elevator at Milton, ND, where shipments can take advantage of lower 100 car volume rates on either BNSF or NPR In addition, there are several other large elevators capable of loading 100 car volumes within reasonable trucking distance.

The principal industry in the area is agriculture, primarily raising small grains and oilseeds. There are four towns on the line with the populations shown:

<u>Town</u>	<u>Population</u>
Brocket (MP 12.0)	65
Lawton (MP 18.3)	42
Edmore (MP 27.0)	256
Hampden (MP 39.7)	55
Alsen Junction (MP 48.19)	No town this is the junction with the Northern
·	Plains Railroad and is the north end of the proposed abandonment.
	FF

MHC intends to dismantle the Linc and transfer the salvaged rail for use in rebuilding and upgrading the NPR mainline between Devils Lake, ND and Thief River Falls, MN. The vacated right-of-way will be made available for sale to adjacent farmers or other use.

(See Tab 1 for detailed map.)

2. <u>Transportation System</u>

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (freight or passenger) that will be diverted to other transportation systems or modes as a result of the proposed action.

There should be no adverse impact on regional or local transportation systems and patterns, as the overhead traffic formerly carried by the Line is now being moved by the NPR via a different route. Since operations were re-established by the NPR as agent for the MHC on October 25, 2005, on the portion of the Sarles line which will be retained north of Alsen Junction, approximately 381 carloads have been originated at points between Munich and Sarles and 14 carloads terminated. When BNSF operated the Sarles line, this rail traffic would have traveled approximately 50 miles south to a junction with a BNSF cast-west main line at Lakota. Now, under MHC ownership and NPR operation, the traffic is moved to or from the east over an NPR line to an interchange with the BNSF at Ardoch, ND.

Before BNSF sold the line to MHC, an embargo had been placed in effect on June 15, 2005 and all service over the Line proposed for abandonment, as well as the rest of the Sarles line, had ceased From the date of the embargo until MHC caused operations to be resumed between Alsen Junction and Sarles, any traffic to or from that portion of the Sarles line was diverted to truck. With the resumption of rail service, active shippers north of Alsen junction again have a railroad available. As noted previously, 395 carloads have already been moved since resumption of service in October, 2005. Thus, the new routing arrangement has already resulted in diverting traffic back to rail. It is anticipated that no further diversions either to or from rail will be created by abandoning the Line south of Alsen Junction.

3. Land Use

i. Based upon consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

MHC believes that its proposed action will not be inconsistent with local land use plans. The entire area traversed by the line is agricultural except for four small town sites at Brocket, Lawton, Edmore and Hampden. Upon abandonment and dismantling of the Line, the vacated right-of-way will be made available for sale to adjacent farmers or other use. MHC's representative wrote the County Commissioners for the affected counties seeking information as to current land use plans for those jurisdictions (See Tabs 4, 5 and 6.) MHC's representative received a phone call from Scott Brekke of Edmore, North Dakota (phone number 701/644-2642), spouse of Pamela Brekke, a Commissioner for Ramsey County, North Dakota, expressing an interest in purchasing the land from MHC which runs through his farm. Pamela Brekke (phone number 701/351-2242) also contacted MHC's representative to express interest on behalf of farmers in Ramsey County generally concerning purchase of the railroad land.

ii. Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

MHC's representative wrote the Deputy Chief of the Soil Survey and Resource Assessment Deputy Area, USDA Natural Resources Conservation Service. (See Tab 7.) I'd date, MHC has not received a response from that agency. It is believed that many portions of the

right-of-way could be acquired by adjacent farmers and placed in agricultural production consistent with the surrounding land use. Other than the potential of adding to the available agricultural land, no other effect on agricultural land is likely to result from the abandonment

- iii. If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by section 1105 9
 - Not applicable: no coastal zones are found within the State of North Dakota.
- iv. If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

The most likely use for the right-of-way would be to place the land into agricultural production consistent with the adjacent land use. The right-of-way might also be suitable as a trail, but the low population and lack of scenic amenities in the vicinity makes such use unlikely. MHC is open to any such possibility, however.

4. Energy

- i. Describe the effect of the proposed action on transportation of energy resources.
- ii. Describe the effect of the proposed action on recyclable commodities.
- iii. State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.
- iv. If the proposed action will cause diversions from rail to motor carriage of more than (A) 1,000 rail car loads a year; or (B) an average of 50 rail car loads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

The proposed abandonment will have no effect on transportation of energy resources, recyclable commodities, nor will it result in any change in overall energy efficiency. As noted earlier, diversions from rail to motor carriage will not occur and will in fact be reversed. Overhead rail traffic formerly carried by the Line will continue to be moved by rail via NPR routings east of Alsen Junction. Transport of energy resources and recyclable commodities via rail will remain available through NPR operation of MHC between Munich, ND and Sarles, ND. Towns on the portion of the Sarles line that will continue to have rail service are as follows:

<u>Town</u>	<u>Population</u>
Munich (mp 52.44)	268
Clyde (mp 59.88)	No population listed
Calvin (mp 65.83)	26
Sarles (mp 72.69)	25

5. Air

- (i) Will the proposed action result in (Λ) a minimum increase in rail traffic of 100 percent (measured in gross tons annually) or eight trains per day on any segment of affected rail line, (Β) an increase in rail yard activity of at least 100 percent as measured in carload activity or (C) an average increase in motor carrier traffic of either 50 vehicles per day or an increase in truck traffic exceeding 10 percent of the average daily traffic on a given highway segment? If any of the enumerated thresholds is exceeded, quantify the anticipated increase in air emissions.
- (ii) If a Class I or nonattainment area is affected, are increased emissions within parameters of the affected State Implementation Plan?
- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, frequency of service, safety practices; MHC's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

There will be no impact for the reasons stated above in section 4.

6. Noise

If any of the thresholds identified in item (5) is surpassed, state whether the proposed action will cause an increase in noise levels exceeding either (i) a three decibel LDN incremental increase or (ii) 65 decibels LDN or greater.

None of the thresholds will be exceeded for the reasons set forth more fully in section 4, above

7. Safety

i. Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment will result in a modest improvement to public safety by the elimination of grade crossings between Lakota, ND and Alsen Junction. Train traffic on the

segment of the line to be retained will not be increased over historic levels either in terms of train frequency or train size. Thus, delay time is likely to be unaffected.

If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions); the MIIC's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials

Any hazardous materials formerly transported over the Line will now be moved via alternate NPR routings. NPR has in place all required plans to deal with accidental spills and accidental release of hazardous materials.

in If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites on the Line and MHC is not aware of any hazardous materials spills that may have occurred along the subject right-of-way.

8 <u>Biological Resources</u>

i. Based upon consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

MHC's representative wrote the Director of the U.S. Fish and Wildlife Service about its proposed action. (See Tab 8.) To date, MHC has not received a response from that agency. MHC does not believe that the abandonment will affect any endangered or threatened species or critical habitats.

ii State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and describe any effects

There are no National or State parks or forests along the Line and MHC does not anticipate that the abandonment will affect any wildlife sanctuaries or refuges. There are no wildlife refuges in the immediate vicinity of the Line. The closest refuge is the Lake Alice National Wildlife Refuge, and the Line does not traverse this refuge. Nevertheless, MHC's

representative wrote the National Park Service to obtain its views. (See Tab 9.) To date, MHC has not received a response from that agency

9. Water

i. Based upon consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State and/or local water quality standards and describe any inconsistencies.

No in-stream salvage operations will be required. No action known to be inconsistent with federal, state, and/or local water quality standards is contemplated. If any permits or applications are found to be necessary, they will be obtained and any conditions or procedures required by regulatory agencies will be complied with. MHC's representative wrote North Dakota's Department of Health, Environmental Health Section. (See l'ab 10.)

ii. Based upon consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required and whether any designated wetlands or 100-year flood plains will be affected, and describe any effects. If so, have permits been sought or issued?

MHC's representative wrote the U S Army Corps of Engineers. (See Tab 11.) To date, MHC has not received a response from that agency. MHC does not anticipate that any permits under Sections 404 will be required or that any designated wetlands or 100-year flood plains will be affected.

iii. State whether permits under section 402 of the Clean Water Act (33 U.S.C 1342) are required for the proposed action.

MIIC's representative wrote both North Dakota's Department of Health, Environmental Health Section and the U.S. EPA Region 8 regarding this question. (See Tabs 10 and 12.) North Dakota's Department of Health confirmed by letter that it believes "environmental impacts from the proposed railroad abandonment will be minor and can be controlled by proper salvage and disposal methods" (See Tab 13.) MIIC does not anticipate that any permits will be required

10. Proposed Mitigation

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

No mitigation appears necessary.

11 Additional Information for Rail Constructions

The following additional information should be included for rail construction proposals including connecting track construction: (Additional requirements of Section (11) not listed here).

There is no rail construction proposed at this time

12. Section 1105 8 - Historic Reports

i. Are sites or structures listed in the <u>National Register of Historic Places</u> affected? If so, describe the effects

No site or structures listed in the National Register of Historic Places will be affected.

ii. Will sites or structures 50 years old or older be affected? If so, and such sites or structures are not listed in the <u>National Register of Historic Places</u>, MHC would submit, at the earliest possible juncture, a description of the line, including a map, as well as photographs and descriptions of such structures to the appropriate State Historic Preservation Office for review and include a copy of the cover letter in the Environmental Report.

MHC's representative wrote the Historic Preservation Division of the North Dakota Historical Society ("NDHS") and advised that there are three (3) railroad-owned structures that may be over 50 years old on this line segment. (See Tab 14.) NDHS confirmed by letter that NDHS finds that there are no historic properties that will be affected by the proposed abandonment. (See Tab 15.) The structures are all railroad bridges as listed below.

M.P. 22 2 – Open deck pile trestle Number of spans – 5

M.P. 25.4 – Open deck pile trestle Number of spans – 4

M.P. 27 6 – Open deck pile trestle Number of spans – 5

iii. Will culturally significant locations, archaeological sites, or unique land forms be affected? If so, MHC should consult with the involved State Historic Preservation Office.

No.

INFORMATION REQUIRED BY C.F.R SECTION 1105 8(d)

1. Topographic Map

A copy of a topographic map of the Line is attached A copy of a map showing location of major roads, the railroad, and principal geographic features is also attached for reference. (See Tabs 1 and 2.)

2. Description of The Line

The Line proposed for abandonment extends from Milepost 3.75 approximately four miles north of Lakota, ND to Milepost 48.19 where the Line crosses an east/west line of the Northern Plains Railroad (Alsen Junction), a distance of 44.44 miles. This junction is approximately four miles south of Munich, ND. The remainder of the line extending north to Sarles, ND (MP 73 0) will remain in service. This entire branch line formerly owned by the BNSF Railway extending from MP zero at Lakota, ND, 73 miles to Sarles is known as the Sarles line

The right of way of the Line proposed for abandonment is at least 100 feet wide for almost its entire length. In some cases, usually in the vicinity of towns, the right of way is as wide as 200 feet or even 300 feet. The topography of the Line for its entire length is extremely that with no notable hills or gradients. The surrounding area for the entire distance is rural, mostly cultivated farmland. The towns along the line have small populations (see Section 1 of the foregoing Environmental and Historic Report).

3. Photographs of railroad structures on the property

Photographs are appended at Tab 3.

4. Dates of construction of structures

The only railroad structures along the Line are three railroad bridges, whose age cannot be determined from documents in MHC's possession. It is believed that all three have been substantially renewed or replaced within the last fifty years. The bridges are listed under Section 12.ii above.

5. A Brief Narrative History of Carrier Operations in the Area, and an Explanation of what, if any, Changes are Contemplated as a Result of the Proposed Action

The Sarles line was constructed approximately 100 years ago, about 1905. Other railroad lines in the vicinity, including the lines now operated by NPR, were also built at about the same time to encourage settlement and development of agriculture in the region. The Sarles line was built and subsequently operated by the Great Northern Railway, now part of BNSF. The NPR lines were built by the Soo Line Railroad, now part of Canadian Pacific Railway.

For its entire existence, the Sarles line has existed to move grain (primarily wheat) from farm to market, and to move inbound commodities needed for agricultural production. Today, that is still the purpose served by the Sarles line. Since Sarles line traffic to and from points north of Alsen Junction is already moving via a new route over the NPR, the proposed abandonment will result in no changes to present operations

The grain elevators that remain active on the Sarles line are all located north of Alsen Junction. It became increasingly burdensome in recent years for BNSF to operate and maintain fifty miles of track just to reach these active elevators. The burden of maintaining and operating this long connecting link was not justified by the business generated at the north end of the line. This finally led to the line being embargood June 15, 2005. Since NPR already operates regular train service through Alsen Junction, the Sarles line traffic is now handled by existing NPR trains.

6. <u>Documents in Carrier's Possession</u>

MHC has some track charts and station maps of the Line, and copies of contracts with adjacent land owners for such things as crossing easements. Many of the documents relating to the Line are believed to have been destroyed by previous owners.

7 Eligibility for National Register of Historic Places; Archeological Resources

It is not believed that any sites or structures eligible for listing on the National Register of Historic Places or having archeological significance are found anywhere on the Line. This belief is confirmed by the letter received from NDHS. (See Tab 15).

8. <u>Description of Ground Disturbance or Fill</u>

MHC is unaware of any ground disturbances, fill, or environmental conditions that might affect the archeological recovery of resources in the surrounding terrain.

9. Request by State Historic Preservation Office.

Upon request of the State Historic Preservation Officer, MHC will provide such additional information as may be requested under Section 1105.8(d)(9).

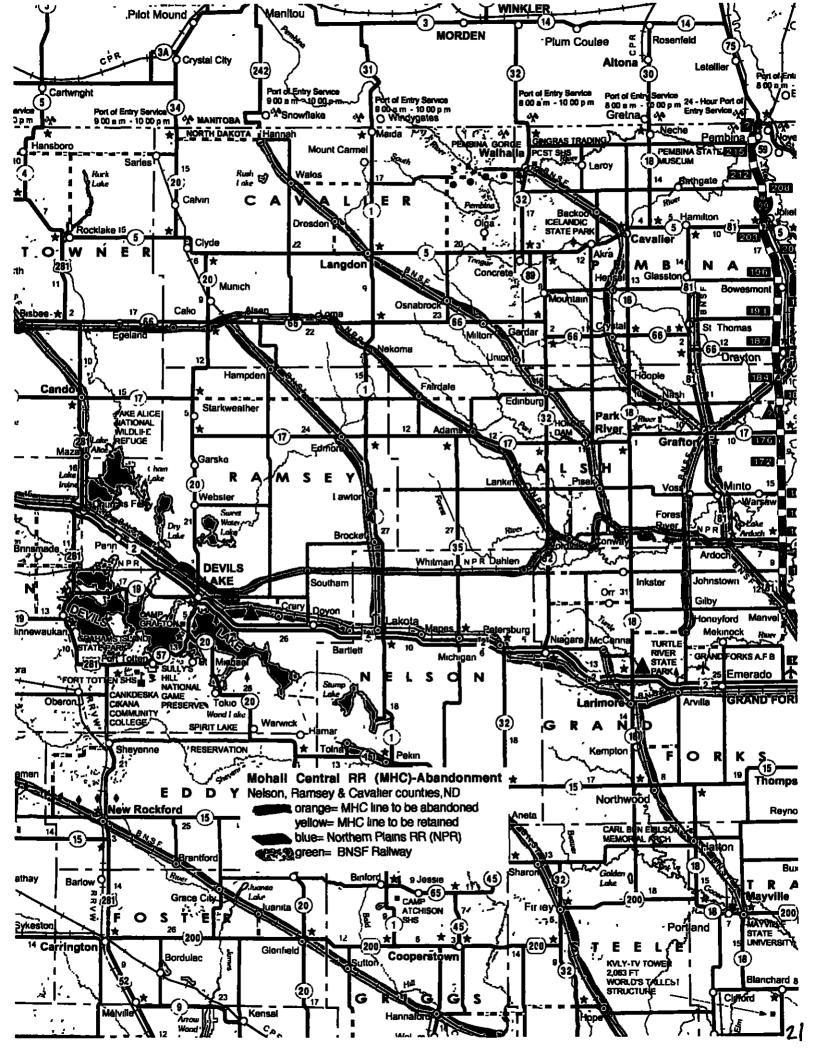
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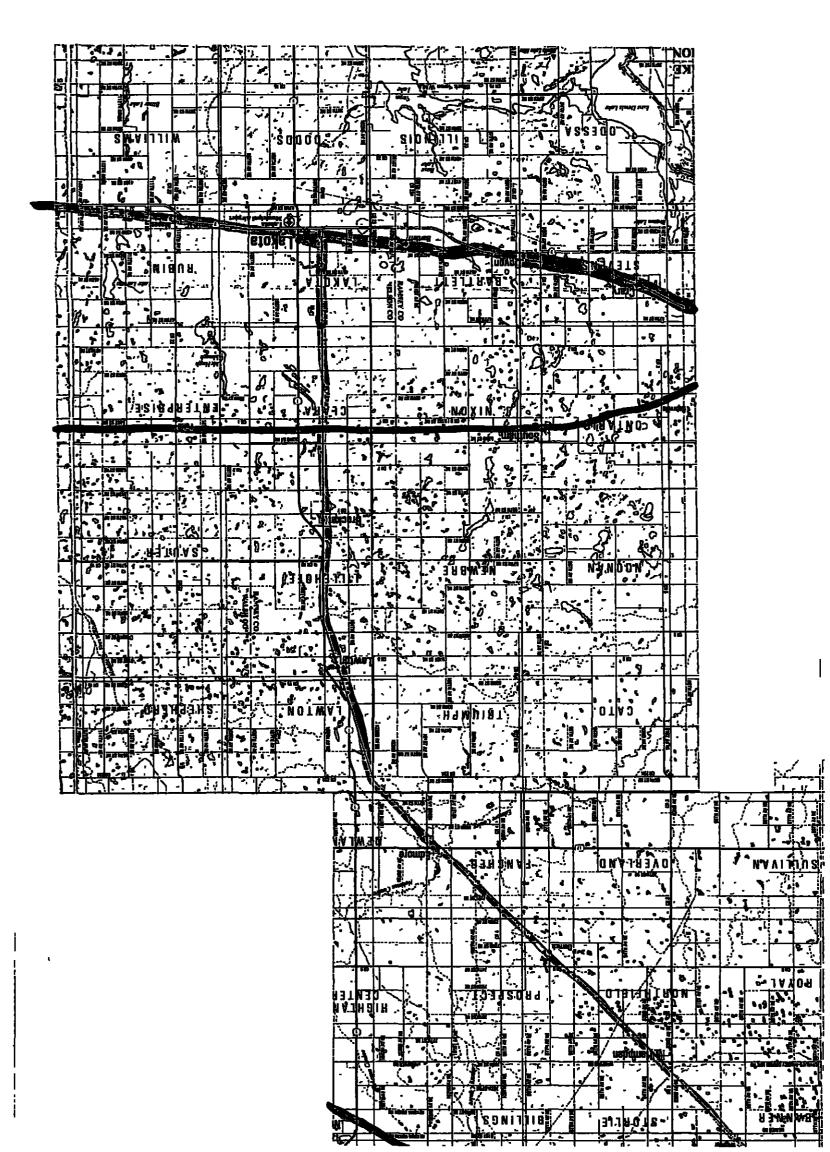
Michael I. Barron Ir.

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832
312/252-1511
Counsel for Mohall Central Railroad, Inc.

Dated: September 19, 2007

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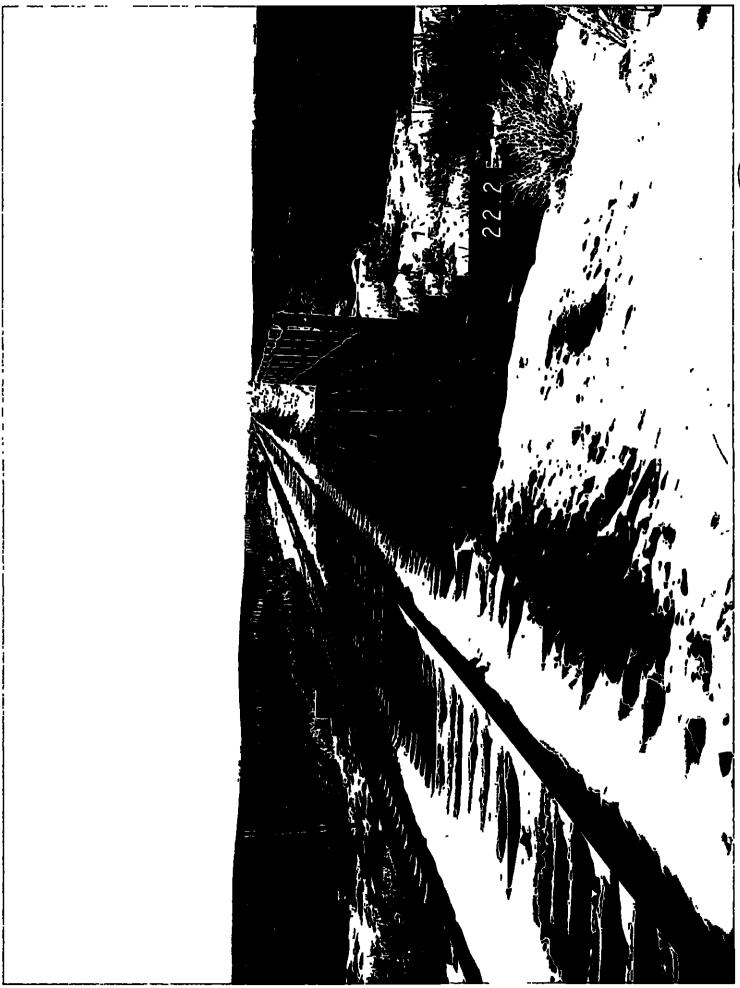




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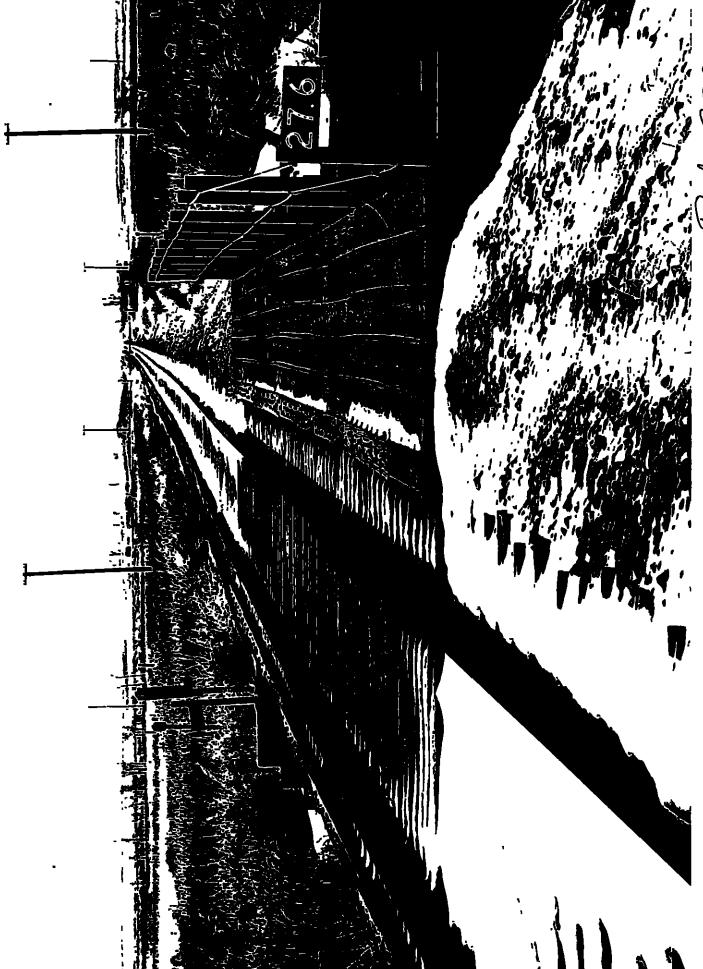
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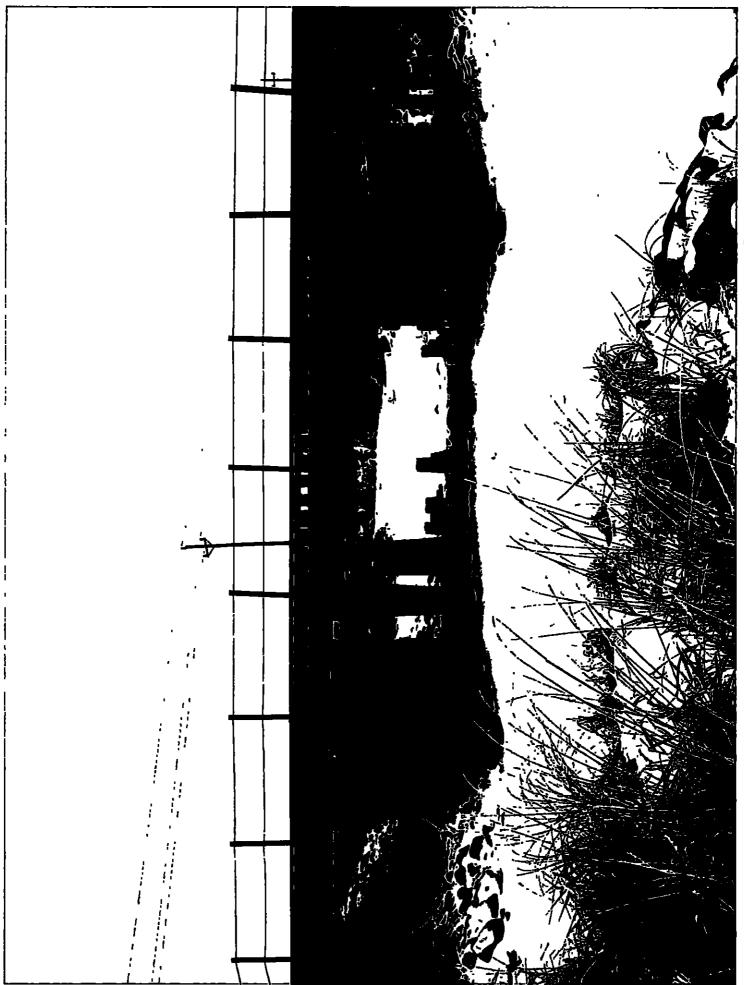




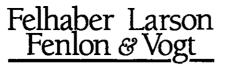








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January 31, 2007

Donald Quam
Richard Flanders
Ole Nowatzki
Ray Rollness
Neil Romfo
Cavalier County Commissioners
Cavalier County Courthouse
901 3rd Street
Langdon, ND 58249-2457

RE: STB Docket No. AB 1003X

Mohall Central Railroad, Inc. - Petition for Exemption to Abandon Portions of Railroad in Nelson, Ramsey and Cavalier Counties, North Dakota Our File No. 22327.002

Gentlemen:

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We appreciate your assistance and cooperation. Thank you.

Very truly yours

Karen R Kces

Paralegal

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cc: Barney Olsen

Mark S. Radke

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January 31, 2007

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Ronald Dahlen
Donald Fougner
Noel Lofthus
Harold Bergquist
Nelson County Commissioners
Nelson County Courthouse
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Lakota, ND 58344-7410

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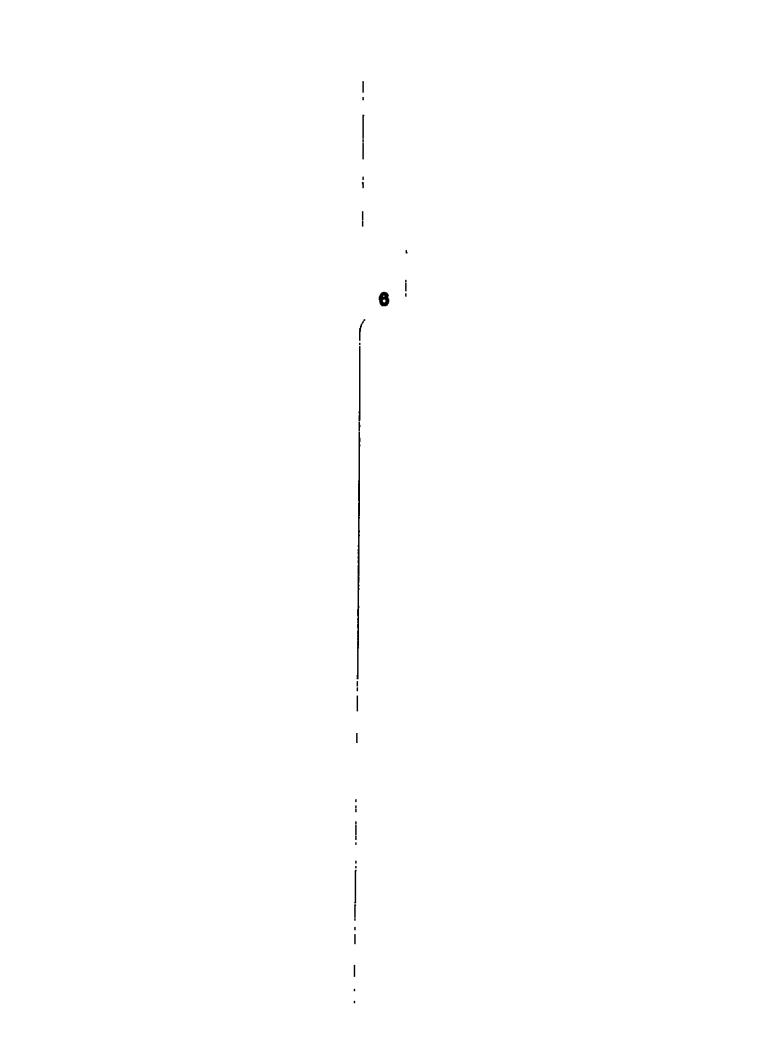
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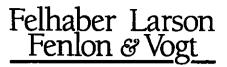
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January 31, 2007

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Scott Diseth
Barry Gage
Bill Mertens
Ramsey County Commissioners
Ramsey County Courthouse
524 4th Avenue
Devils Lake, ND 58301-2490

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January 31, 2007

U S Soil Conservation Service Natural Resources & Environment Room S4008 1800 "M" Street NW Washington, DC 20036

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E-mail kkees@felhaber.com
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January 31, 2007

U.S. Fish & Wildlife Service Department of the Interior 1849 "C" Street NW Washington, DC 20240

RE: STB Docket No. AB 1003X

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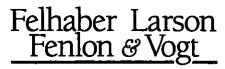
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January 31, 2007

The National Park Service Department of the Interior 1849 "C" Street NW Washington, DC 20240

Attn: Robert Stanton, Director

RE: STB Docket No. AB 1003X

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January 31, 2007

North Dakota Environmental Protection Agency North Dakota Department of Health Environmental Health Section 918 East Divide Avenue Bismarck, ND 58501-1947

Attention: Dave Glatt, Chief

RE: STB Docket No. AB 1003X

Mohall Central Railroad, Inc. - Petition for Exemption to Abandon Portions of Railroad in Nelson, Ramsey and Cavalier Counties, North Dakota

Our File No. 22327.002

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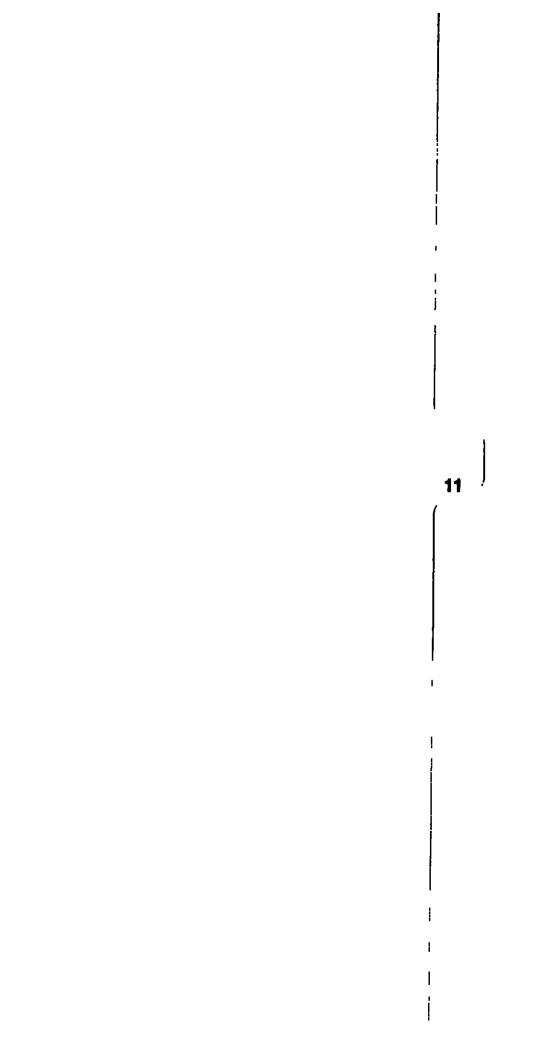
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January 31, 2007

U.S. Army Corps of Engineers Headquarters 441 "G" Street NW Washington, DC 20314

Attn: LTG Carl Strock, Commander

RE: STB Docket No. AB 1003X

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Karen R Kees 651/312-6020 Fax 651/222-8905 E-mail kkees@felhaber.com Reply to St Paul office

January 31, 2007

U.S. Environmental Protection Agency, Regional Office 999 18th Street, Suite 200 Denver, Colorado 80202

Attn: Robert E Roberts, Regional Administrator

RE: STB Docket No. AB 1003X

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Our File No. 22327.002

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We are providing this draft EHR so that you may review the information that will form the basis for the STB's environmental analysis of this proceeding. If any of the information in the draft EHR appears to be misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA") by mail at Surface Transportation Board,

1925 "K" Street NW, Washington, DC 20423, or by telephone at 202/565-1545. Because the applicable statutes and regulations impose stringent deadlines for processing MHC's petition. your written comments to the SEA (with a copy to the undersigned) would be appreciated within three (3) weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the proposed abandonment. If there are any questions concerning this proposal, please contact Karen R. Kees by phone at 651/312-6020 or by mail at Felhaber, Larson, Fenlon & Vogt, P.A., 444 Cedar Street, Suite 2100, St. Paul, Minnesota 55101-2136.

We appreciate your assistance and cooperation. Thank you.

Acon R Poes
Karen R Kees

Paralegal

klg enclosures

cc. Barney Olsen Mark S. Radke



ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701 328 5200 (fax)
www ndhealth gov

February 21, 2007

Ms Karen R. Kees, Paralegal Felhaber, Larson, Fenlon & Voght 444 Cedar Street, Suite 2100 St. Paul, MN 55101-2136

Re: STB Docket No AB 1003X, Railroad Abandonment Nelson, Ramsey and Cavalier Counties, North Dakota

Dear Ms Kees.

This department has reviewed the information concerning the above-referenced project submitted to Governor John Hoeven under date of January 31, 2007, with respect to possible environmental impacts

This department believes that environmental impacts from the proposed railroad abandonment will be minor and can be controlled by proper salvage and disposal methods. With respect to the abandonment, we have the following comments:

- 1. Follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water body Guidelines for minimizing degradation to waterways are attached.
- 2. Any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, which are known to have occurred in the past or are discovered in the project area during abandonment and salvage operations, must be reported to the North Dakota Department of Health The Department's Environmental Emergency Response Contacts List is attached.
- 3 All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the Department's Division of Waste Management at (701) 328-5166.
- 4 No burning of waste material generated during the salvage operations may be conducted unless approved in advance by the Department's Division of Air Quality (701-328-5188).

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sineerely,

L. David Glatt, P.E., Chief Environmental Health Section

LDG cc Attach.



ENVIRONMENTAL HEALTH SECTION
Gold Seal Center 918 E Divide Ave
Bismarck ND 58501-1947
701 328 5200 (fax)
www.ndhealth.gov

Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

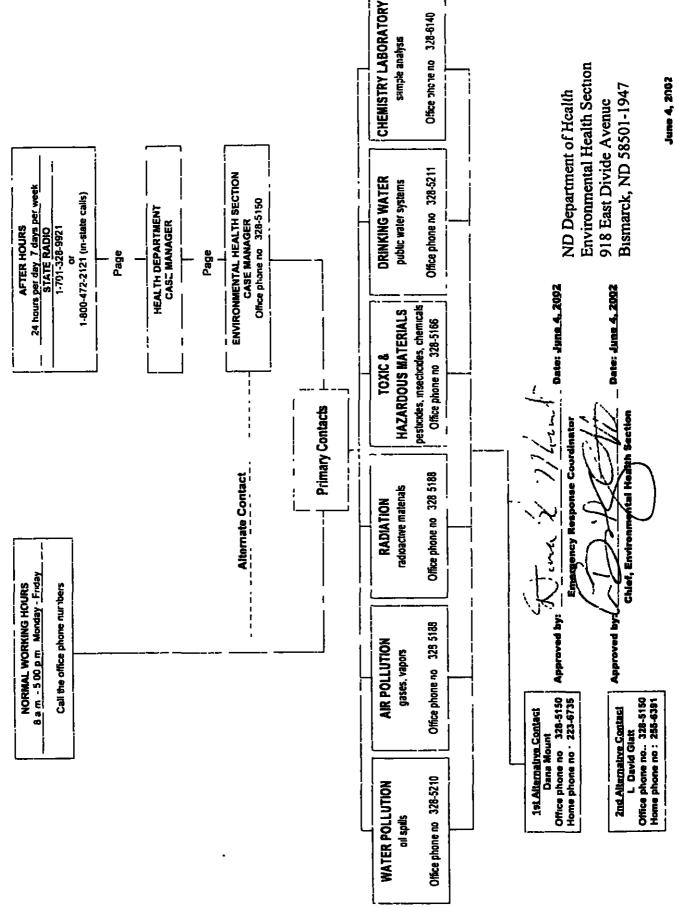
All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

North Dakota Department of Health **Environmental Health Section**

Environmental Emergency Response Contacts List







A Professional Association - Attorneys at Law

MINNLAPOLIS 220 Nouth Sixth Street | Suite 2200 Minneapolis, MN 55102-4504 612 339 6321 | Fax 612 338 0535

ST PAUL 444 Cedar Street | Suite 2100 St Paul, MN 55101-2136 651 222 6321 | Fax 651 222 8905

Karen R Kees
651/312-6020
Fax 651/222-8905
E-mail kkees@felhaber.com
Reply to St Paul office

January 31, 2007

State Historic Preservation Office 612 E. Boulevard Avenue Bismarck, ND 58505-0830

Attn. Marvin L. Kaiser, President

RE: STB Docket No. AB 1003X

Mohall Central Railroad, Inc. - Petition for Exemption to Abandon Portions of Railroad in Nelson, Ramsey and Cavalier Counties, North Dakota Our File No. 22327.002

Dear Mr Kaiser:

In the coming weeks, Mohall Central Railroad, Inc., a North Dakota corporation ("MHC") will seek approval from the Surface Transportation Board ("STB") to abandon a portion of a line of railroad 44 44 miles in length which extends from milepost 3.75, approximately 3.75 miles north of Lawton, ND, to milepost 48.19, approximately 4 miles south of Munich, ND. The line to be abandoned runs through Nelson, Ramsey and Cavalier Counties in North Dakota, as indicated on the maps included in the Environmental and Historic Report described in the following paragraph.

In accordance with Title 49 of the Code of Federal Regulations, Sections 1105.7 and 1105.8, I am enclosing a draft Environmental and Historic Report ("EHR"). MHC must complete and file the EHR with the STB as a component of its abandonment petition. The draft EHR explains in greater detail the scope of the proposed rail line abandonment, including a more particular description of the rail line in question.

We are providing this draft EHR so that you may review the information that will form the basis for the STB's environmental analysis of this proceeding. If any of the information in the draft EHR appears to be misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA") by mail at Surface Transportation Board,

1925 "K" Street NW, Washington, DC 20423, or by telephone at 202/565-1545. Because the applicable statutes and regulations impose stringent deadlines for processing MIIC's petition, your written comments to the SEA (with a copy to the undersigned) would be appreciated within three (3) weeks

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the proposed abandonment. If there are any questions concerning this proposal, please contact Karen R Kees by phone at 651/312-6020 or by mail at Felhaber, Larson, Fenlon & Vogt, P.A., 444 Cedar Street, Suite 2100, St. Paul, Minnesota 55101-2136

We appreciate your assistance and cooperation. Thank you.

Very truly yours

Karen R. Kees

Paralegal

klg enclosures

cc Barney Olsen

Mark S. Radke



John Hoeven Governor of North Dakota February 5, 2007

North Dakota State Historical Board

> Marvin L. Kaiser Williston - President

Albert I Berger Grund Forks - Vice Presulent

Chester E Nelson, Jr. Bismarck - Secretary

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A Runc Todd III Jamestoun

Diane K Larson Bismarck

John L. Von Rueden Bismarck

Sara Otte Coleman Director Tourism Division

> Kelly Schmidt State Treasurer

Alvin A Jaeger Secretary of State

Douglass Prchal Director Parks and Recreation Department

Mr Francis Ziegler Direcum Department of Transportation

Merlan E. Paaverud, Jr. Director Surface Transportation Board 1925 "K" Street NW Washington, ND 20423

Ms. Karen R. Kees Paralegal Felhaber, Larson, Fenlon and Vogt 444 Cedar Street, Suite 2100 St. Paul, MN 55101-2136

ND SHPO Ref.:07-0342 STB Docket No. AB- 1003X Mohall Central Railroad Inc. Petition for Exemption to Abandon Portions of Railroad in Nelson, Ramsey and Cavalier Counties, North Dakota

Dear Surface Transportation Board and Ms Kees,

We reviewed ND SHPO Ref..07-0342 STB Docket No AB- 1003X Mohall Central Railroad Inc. Petition for Exemption to Abandon Portions of Railroad in Nelson, Ramsey and Cavalier Counties, North Dakota, and concur with a "No Historic Properties Affected" determination, provided the project is of the nature specified and takes place in the legal description listed and plotted in the correspondence. If any borrow fill material is required, the material should be derived from an approved source, that is, one surveyed by an archaeologist and found to contain no significant cultural resources

Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Susan Quinnell at (701) 328-3576, or squinnell@nd gov

Sincerely,

Merlan E. Paaverud, Jr

State Historic Preservation Officer

(North Dakota)

and

Director, State Historical Society of North Dakota

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Accredited by the American Association of Museums